



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number 2207060

Applicant Name Thomas Whitemore

Address of Proposal 5008 6th Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 380 sq. ft first floor and basement addition to an existing single family residence. The project proposal is to expand the existing kitchen and bed room by another five feet into the required rear yard.

The following approvals are required:

Variance - to allow an expansion of a non-conforming structure. (SMC 23.44.082)

Variance - to allow a portion of principal structure to extend into the required rear yard.
(SMC 23.44.014.B)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The 4,000 sq. ft. site is located in a Single Family 5000 (SF-5000) zone approximately 79 feet from the intersection of 6th Avenue NW and Northwest 50th Street. The existing lot is rectangular in shape measuring 100 feet in length and 40 feet in width. The lot is developed with a 574 sq. ft one story single family residence with a partial unfinished basement. The existing house was built in 1915, prior to the adoption of the City of Seattle's present zoning laws regulating rear yard setback. The house is setback 60 feet from the front property line and 12 feet from the rear property line. The large front yard slopes gradually towards the west to the front property line and consists of a few trees, shrubs and small flower garden. There is no alley. Parking is currently provided on the street with only pedestrian access through a flight of stairs to the house. The house is non-conforming with respect to the rear yard setback requirement.

The residences in the neighborhood are predominantly one to one-and-half story, with some two-story homes scattered throughout the area. All of the five homes in the immediate vicinity have very reduced rear yards with adequate front yards. Abutting the subject property to the north, east and south are single family residences. Surrounding zoning is primarily Single Family 5000 (SF 5000). Development in the vicinity is predominantly single family residential.

Proposal Description

The applicant is proposing to to expand the size of an existing kitchen and a bedroom to a larger more functional space in the existing single family residence. The expansion would include a total of 196 sq. ft. The 77 sq. ft addition to the existing bedroom would project 7 feet into the rear yard leaving a setback of 5 feet to the property line, thus replacing the existing uncovered porch. In addition, 49 sq.ft. would be added to the existing kitchen space. The 67.5 sq. ft. of the remaining expansion will consist of enclosed stairs space leading to the basement of the existing building. The requested variance is to provide area to the existing 97sq. ft. kitchen and 77 sq. ft. bedroom which will result in a more functional kitchen and bedroom spaces and provide enclosed access within the building to basement below.

Public Comments

The public comment period for this project started on June 19, 2003 and ended on July 2, 2003. Three comment letters were received stating that they have no objection to the proposal. However, one respondent is concerned that the reduced rear yard would impact the use of abutting rear yards and limit access to emergency vehicles.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

1. ***Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The current location of the house is setback 12 feet from the rear property line instead of 20 feet rear yard setback as required by the Land Use Code. The existing location of the subject residence is an unusual property related condition not caused by the applicant. The applicant would not be able to add to the existing bedroom and kitchen in a conforming location. Any addition to the footprint in a conforming location would not be functional to the existing layout of the residence and would possibly create an odd size and shape that will distract from the existing architecture. Strict application of the land use code would deprive the applicant the right of enlarging an existing bedroom and kitchen. The strict application of the land use code will also not allow an enclosed stairs space because of the topography and location of the structure with respect to required yards. Most abutting properties in the area enjoy the privileges of reduced rear yards, larger kitchens, larger bedrooms and interior access to their basement. Because of the unusual conditions applicable to the subject property, including shape, and location of the existing house, which are not created by the applicant, the strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other property owners in the same zone or vicinity.

2. ***The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The existing residence is nonconforming with respect to the minimum rear yard requirement. The proposed kitchen and bedroom addition will extend 7 feet into the required rear yard for a total of 196 sq. ft. The addition will allow a more functional kitchen and bedroom than what is existing and provide interior access to the basement and does not go beyond what is necessary to afford relief. Most of the residences in the immediate vicinity have reduced rear yards, enlarged kitchen, bedroom and interior access space to the basement. Therefore, the proposed addition to provide a more functional kitchen and bedroom would not constitute a grant of special privilege.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The new addition will be minimal and not out of character with the rest of the neighborhood. The location of the house abuts the rear yards of two residential lots and is separated by a 6-foot combination of wood and chain link fence. The reduction of the required rear yard to five feet does not present any material detriment to the abutting properties. Therefore, granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity instead it will improve property value and adds to the residential character to the Single Family zone.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of all applicable provisions or requirements of the Land Use Code, would not allow for the addition to expand the existing kitchen and bedroom. Because of the location of the structure and the existing floor plan an addition in a conforming location would not provide the owner with a functional layout.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety, and general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The spirit and purpose of the Land Use Code provides for the preservation of the character of single family neighborhoods and for housing opportunities. The proposed kitchen and bedroom and interior access to the basement addition would provide more usable living space and would be compatible with these policies. The proposal would be consistent with the spirit and purpose of the Land Use Code and policies.

DECISION - VARIANCE

A variance to allow an expansion of a non-conforming structure (SMC 23.44.082.A) is **GRANTED.**

A variance to allow a portion of principal structure to extend into the required rear yard (SMC 23.44.014.B) is **GRANTED.**

CONDITIONS – VARIANCE:

None.

Signature: (signature on file) Date: September 4, 2003
Christopher A. Ndifon, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division